

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

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Paper

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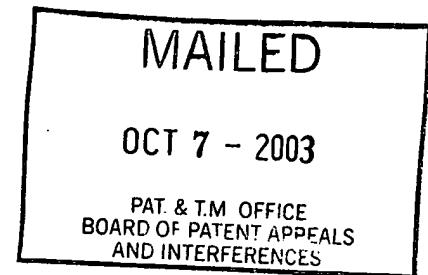
Filed: October 7, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

GENCELL S.A.

Junior Party  
U.S. Patent 6,127,175



v.

IMRE KOVESDI, DOUGLAS E. BROUH, DUNCAN L. MCVEY,  
JOSEPH T. BRUDER and ALENA LIZONOVA

Junior Party,  
Application 08/258,416

v.

GENCELL S.A.

Senior Party  
Application 08/397,225

Patent Interference No. 104,829 (CAS)

**COMMUNICATION SUSPENDING FINAL JUDGMENT AGAINST GENCELL/VIGNE  
(removing Gencell/Vigne as a party in further proceedings)**

Junior party Gencell/Vigne (i.e., EMMANUELLE VIGNE, MICHEL

PERRICAUDET, JEAN-FRAN OIS DEDIEU, C CILE ORSINI, PATRICE YEH, MARTINE LATTA and EDOUARD PROST) has failed to show good cause why adverse judgment should not be filed against it with respect to the subject matter of Counts 3 and 4 in response to the ORDER TO SHOW CAUSE (Paper 80) issued September 16, 2003.<sup>1</sup>

Consequently, junior party EMMANUELLE VIGNE, MICHEL PERRICAUDET, JEAN-FRAN OIS DEDIEU, C CILE ORSINI, PATRICE YEH, MARTINE LATTA and EDOUARD PROST (Gencell/Vigne) is not entitled to a patent containing claims 33 (corresponding to Count 3) and 1-6, 11-21 and 23-25 (corresponding to Count 4) of Vigne U.S. Patent 6,127,175.

Since judgment at this time would not terminate this interference nor remove Gencell S.A.<sup>2</sup> as a party, final judgment as to junior party Gencell/Vigne will issue in due course. However, the remainder of the interference will be conducted without Gencell/Vigne as a party.

*Carol A. Spiegel*  
CAROL A. SPIEGEL  
Administrative Patent Judge

October 7, 2003

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<sup>1</sup> Mr. Paul D. Ackerman, Esq., of BAKER BOTTS LLP, counsel for Gencell, informed Ms. Yolunda Townes, Trial Section paralegal, on October 6, 2003 that Gencell would not be filing a response to the ORDER TO SHOW CAUSE (Paper 80).

<sup>2</sup> The senior party is MICHEL PERRICAUDET, EMMANUELLE VIGNE and PATRICE YEH (Gencell/Perricaudet) which is involved on the basis of U.S. application 08/397,225).

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